



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/694,098 | 10/27/2003 | Gerald A. Raitzer | 2003P14310US | 3106 |
| 7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830 | 08/08/2007 | | EXAMINER JAWORSKI, FRANCIS J | |
| | | | ART UNIT 3768 | PAPER NUMBER |
| | | | MAIL DATE 08/08/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SP

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/694,098 | RAITZER ET AL. |
| | Examiner | Art Unit |
| | Jaworski Francis J. | 3768 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-10,12-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1,6-10,12 and 14-19 is/are allowed.
- 6) Claim(s) 3-5,13,20,23 and 24 is/are rejected.
- 7) Claim(s) 20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 3 – 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, since apparently claim 3 should depend from claim

1. Claims dependent upon claim 3 inherit this defect.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13, 20 and 22 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki et al (JP2002360556 A and 2001070301 A and Abstracts), alone or further in view of Mochizuki et al US5152294, of record.

The system of Mochizuki et al JP2002360566 and 2001070301 is understood of itself or further in light of the Mochizuki patent to work, with reference to '566 such that an ultrasound array scanner is reciprocatingly mechanically rocked or traversed orthogonal to the array scanplane according to a motor driving speed waveform and with electronic scanline compensation for the non-linearity of angular rate of sweep motion of the array along the Z axis due to its initial velocity increase and end-scan decrease (the motion graph Fig. 2 expressing the examiner's verbalization) that is accounted for by the waveform. The actual Z-coordinate at any instant (which may be considered to be a 'velocity-related parameter' in light of the relationship to Fig. 2 and driving speed waveform terminology) is detected by position detector 54 and delivered to scan control portion 32. Based on this current speed information the electronic controller 32 identifies that given that the next scanplane is to be centered at a given Z-location for the central scanline and that the individual scanlines have a time sequence, a start position may be determined so that the scans are evenly distributed along the Z-direction and it would have been obvious to have these stay 'centered' temporally as the direction of electronic scanning within a given scanplane is reversed on the return direction of the mechanical reciprocation, with reference to '301. To this teaching set the Mochizuki et al US patent is added to show the literal array and electronic and mechanical scan mechanisms as practiced in the genre of scanner being described.

Allowable Subject Matter

Claims 1, 6 – 10, 12 and 14 – 19 are allowed.

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 - 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Dependency revision Claim 3 and claims dependent thereon is sought.

The Japanese Mochizuki et al patents to velocity (speed) parameter based controls for governing scan start and center position were uncovered during a re-search of features and are considered to conflict with claims to scan start or center or forward vs reverse scan position controls based on velocity parameter sensing.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

080301


Francis J. Jaworski
Primary Examiner